

**JUSTIFICATION AND APPROVAL
FOR OTHER THAN FULL AND OPEN COMPETITION, PRICE
JUSTIFICATION (JOFOC)**

**ACQUISITION OF TRANSPORT SERVICES IN SUPPORT OF SENIOR HIGH
LEVEL USG VIP VISIT**

1. I recommend that the Department of State use other than full and open competition for the acquisition of transportation services for this VIP visit. The estimated cost is AUD\$1,575,612.50 (approximately USD\$1,370,098.00 at current exchange rates).

2. Nature and/or description of the action being approved.

Senior High Level USG VIP Principal traveling with a delegation inclusive of support elements in: Security, Communications, Logistics and Operations.

3. A description of the supplies or services required to meet the agency's needs.

- a) Larry Swindells Specialised Transport Services, located at 37 Sherridon Crescent, Quakers Hill NSW 2764; and
- b) Transportation services - U.S. Consulate Sydney requires a number of vehicle transportation services, including hired drivers, to support the visit of a Senior High Level USG VIP to Brisbane, Australia.

4. An identification of the statutory authority permitting other than full and open competition.

[X] 41 U.S.C. 253 (c) (2), FAR 6.302-2; Unusual and Compelling Urgency;
(Based on the available time and urgency of the requirement as detailed below)

Security concerns prohibit sufficient advanced notification of VIP travel to allow for sufficient time to conduct full and open competition. The Department of State can only communicate with the staff at Posts abroad once authorization is given, due to security concerns. They have an extremely short turnaround time when authorization has been granted for negotiations to commence and selections to be finalized with the local vendors and Posts before the actual Senior High Level USG VIP visit occurs. Security and logistical teams make determinations as to the required resources, the suitability of locally-available resources, and as to which transport provider will be most suitable to meet the needs of the Senior High Level USG VIP and his/her traveling staff. Consideration of the Senior High Level USG Principal and the locations involved in the visit are taken into consideration as a determining factor.

The types of events, meetings, locations and availability of venues to support the Senior High Level USG VIP and the delegation are often times designated by the host countries.

Unique requirements for communications support are under severe time limitations and always a determining factor in the selection process as its capacity to be augmented to the unique requirements necessary to support certain Senior High Level USG Principals.

Many of the arrangements for transportation services are often not confirmed until just before the actual visit. In addition to supporting a large delegation within a short time frame, last minute and frequent changes of itineraries for supporting personnel often result in significant changes in how Posts work with the vendors. With the exception of a few trips, contracts are not permitted to be signed until the Department of State (Post) has written confirmation from all supporting agencies, which enables collection of funds from said agencies in the event of cancellation. This results in an unusual and compelling urgency in accordance with 41 U.S.C. 253 (c) (2), FAR 6.302-2.

These unique Senior High Level USG VIP travel requirements result in only a single or a very limited number of responsible sources with no other supplies or services capable of satisfying agency requirement in accordance with 41 U.S.C. 253 (c) (2), Far 6.302-2.

5. A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.

Security and logistics are the Department of State's primary considerations when procuring transportation services. The Department of State must be able to provide a safe and secure environment for VIP visitors. Frequently VIP visits are not announced or confirmed in sufficient time to conduct a competition, creating an urgent and compelling need. At other times, the security requirements and/or requirements of the host country government limit the acquisition to one or a small number of predetermined transportation providers.

☒ The VIP visit information was not available in sufficient time thereby creating an urgent and compelling need.

☐ The host country government requires the use of this/these transport service providers(s).

☐ The proposed contractor has the following unique qualifications which meet the Department of State's security and logistical requirements.

☐ Accommodating to security needs.

6. A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.

Due to urgency and exception in FAR 25.401(a)(5) this solicitation cannot be posted but the JOFOC will be published in FedBizOpps.

The following other transportation providers were reviewed but were not adequate because of the following:

All interested transportation providers were provided an equal opportunity to respond to the RFQ, which was posted to the Mission's publicly accessible website. Due to urgency, the response time for submitted quotations was compressed from normal procedures to meet operational requirements in supporting the visit. Timely submissions were received from two vendors. However, one offer was substantially incomplete and did not include all required vehicles. Moreover, the offerer was unable to accept the cancellation terms outlined in the RFQ, and required a prepayment of more than half of the contract maximum. Based upon these factors, the offer was determined to be technically unacceptable.

7. A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.

The costs to the USG for these transportation services are determined fair and reasonable based upon competitive offers received for this requirement.

8. Any other facts supporting the use of other than full and open competition.

None

9. A listing of sources, if any, that expressed, in writing, an interest in the acquisition.

None

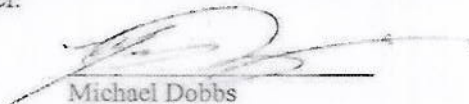
10. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.

As noted above, security concerns prohibit sufficient advanced notification of VIP travel to allow for sufficient time to conduct full and open competition. The Department of State can only communicate with the staff at Posts abroad once authorization is given, due to security concerns. They have an extremely short turnaround time when authorization has been granted for negotiations to commence and selections to be finalized with the local vendors and Posts before the actual Senior High Level USG VIP visit occurs.

CERTIFICATIONS

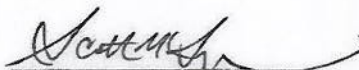
I certify that the information in this justification is accurate and contains complete data necessary to support the recommendation for other than full and open competition to the best of my knowledge and belief.

11/14/2014
Date:


Michael Dobbs
Director

I certify that this justification is accurate and complete to the best of my knowledge and belief. Based on my assessment, I conclude that other than full and open competition is justified and the proposed price is fair and reasonable.

11/14/2014
Date:


Contracting Officer

(If over \$500,000 add)

As the Competition Advocate at post, I approve this justification:

11-14-2014
Date:


Management Counselor

RESPONSIBILITY DETERMINATION

Contract Number: SAS70015D0001


Contractor Name: Larry Swindells Specialised Transport Services

In accordance with FAR 9.104-1, the contractor is determined to be responsible after consideration of the following:

- (a) Financial Resources. The contractor appears to have adequate financial resources to perform the contract, or the ability to obtain them. This provider has been a going concern in this country with adequate business.
- (b) Compliance with Performance Schedule. The contractor appears to be able to meet the required performance schedule. Transport services, including drivers, have been determined to be available and adequate for this event.
- (c) Performance Record. The contractor has a satisfactory record of performance history. Post has used this provider before or is familiar with the provider's reputation for performance.
- (d) Integrity. The contractor has a satisfactory record of integrity and business ethics. Post is unaware of any issues relating to integrity or business ethics.
- (e) Organization and Skills. The contractor appears to have the necessary organization, experience, accounting and operational controls, and skills (or the ability to obtain them) to perform this contract.
- (f) Equipment and Facilities. The contractor appears to have the necessary equipment and facilities necessary for this contract, or the ability to obtain them.
- (g) Otherwise Qualified. The contractor is otherwise qualified and eligible to receive an award under applicable laws and regulations. The firm is not found to be on the Excluded Parties List dated 10/22/2014 and FAPIIS list dated 10/22/2014. No recordings of exclusion were listed on either site.

Go to www.sam.gov from there in the Search SAM block put in the awardees' name. This allows you to confirm that the awardee is not on the Excluded Parties List or the Sanctions List. Go to <http://www.ppirs.gov> then select FAPIIS. The FAPIIS data also includes data input by contractor's name. Run off pages and include them in your file and reference those pages in this paragraph. You may not award a contract to any company appearing on these lists.]

Scott Simpson,
Contracting Officer


Signature

11/14/2014
Date